REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2 and 4-12 are pending, Claims 1 and 9 having been amended, and Claim 3 having been canceled without prejudice or disclaimer. The subject matter of Claim 3 has been incorporated into Claim 1 and therefore no new matter is added.

In the outstanding Office Action the specification was objected to; Claim 9 was objected to; Claims 1-2, 4-7, and 9-12 were rejected as being anticipated by Abe (U.S. Patent No. 5,095,382, hereinafter "Abe"); and Claims 3 and 8 were indicated as being unpatentable over Abe in view of Matsumoto et al. (U.S. Patent No. 4,027,113, hereinafter "Matsumoto").

In reply, the specification has been amended as requested, adding the industry-recognized term "AGC", as an automatic gain control circuit. No new matter is added.

The informality in Claim 9 has been corrected by adopting the Examiner's suggestion.

Claim 1 has been amended to incorporate the subject matter of Claim 3 and to otherwise place the claims in typical U.S. claim drafting format. No new matter is added. Claim 1, among other things, includes a charging apparatus such that if an apparatus is mounted on the charger so as to engage the engage section with the engaging section, the electrode is press-attached against the contact member with a force greater than a weight of the device due to an angular moment centered about the engaging section of the apparatus due to the weight of the apparatus. Support for this feature is found in Figure 3 for example.

Claim 1 further has been amended to incorporate the subject matter of Claim 3, in which a receptacle surface of the battery charger forms a substantially circular arc shape wherein the engaged section is engaged by the engaging section when the apparatus is turned on the receptacle surface and the electrode stops at a position where contact is made with the contact member.

The outstanding Office Action asserts that Abe discloses the feature of providing a greater force than a weight of the device when the electrode is press-attached against the contact member, due to an angular moment centered about the engaging section of the apparatus due to the weight of the apparatus. Applicants respectfully traverse this assertion.

As seen in Fig. 5 of Abe, the headphones 2, when mounted on the charging apparatus 1, are essentially balanced on the apparatus as shown in Figure 5. As a consequence, nothing other than the gravitational force (i.e. weight) of the headphones holds the headphones against the contact member with a greater force than a weight of the device due to an angular moment centered about the engaging section. Because Claim 1 expressly includes this feature and Abe does not include this feature, it is respectfully submitted that Abe does not anticipate Claim 1.

Nevertheless, Claim 3 has been incorporated into Claim 1, which defines a receptacle surface of the battery charger to form a substantially circular arc wherein the engaged section is engaged by the engaging section when the apparatus is turned on the receptacle surface, and the electrode stops at a position where the contact is made with the contact member. To cure the deficiency with regard to Abe, the Office Action asserts Matsumoto, noting Matsumoto's ability to have freely rotating headphones such as those shown in Figure 1 of Matsumoto. The Office Action asserts that the rectangular shape of the coupling in Abe somehow could be replaced by Matsumoto's free rotating earphones. This argument is not understood.

The deficiency with this rejection is that it fails to take into account the feature in Claim 1, namely that there is a requirement to provide a force greater than a weight of the device due to an angular moment centered about the engaging section of the apparatus due to the weight of the apparatus. The feature added from Claim 3 further defines a receptacle surface of a circular arc shape, that helps to accomplish this function with regard to Claim 1.

The function of Matsumoto is to provide a rotating earpiece on headphones, and in no way teaches or suggests how to modify Abe in order to provide an apparatus that when mounted to the charger, allows for the electrode to be press-attached to contact member with greater force than a weight of the device due to an angular moment of the apparatus. Consequently, it is respectfully submitted that no matter how Matsumoto is combined with Abe, the combination does not teach or suggest all of the elements of Claim 1.

Although of differing statutory class and/or scope, it is respectfully submitted that Claims 2, 4-7, and 9-12, as amended, also patentably define over Abe, as these claims also include the feature discussed above regarding providing the press-attachment with a force greater than the weight of the device due to the angular moment.

For substantially the same reasons as discussed above with regard to Claim 1, it is respectfully submitted that Claim 8 also patentably defines over the asserted prior art.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-2 and 4-12 as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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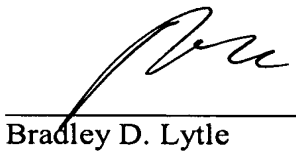

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